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SUBJECT: SERBIA EAGER FOR EU VISA LIBERALIZATION BUT FACES KOSOVO
DILEMMA

REF: A) BELGRADE 217, B) BELGRADE 32

Summary

1. (SBU) The Serbian government is pursuing visa liberalization with the European Union with more coordination and momentum than any other policy goal, motivated by enormous public desire for visa-free travel to Europe. The government and Parliament have completed the vast majority of tasks listed in the European Commission's "roadmap" and are now finalizing the remaining legislation. The issuance of Serbian passports to residents of Kosovo is seen as the most difficult issue to resolve; although it is not yet the subject of much public debate, it is likely to become controversial as the government decides how to reconcile the two competing priorities of European integration and sticking to its guns on Kosovo. Of all Serbia's challenges in moving toward the EU, the visa issue seems to have the most momentum and resonance. Interior Minister Ivica Dacic has done much personally to move the issue forward. End Summary.

Serbia's "Roadmap" Is Clear

2. (U) On the eve of parliamentary elections in May 2008, the European Commission presented Serbia with a "roadmap" to liberalization of the visa regime. (The full text can be found at <http://www.euserbia.rs/staticke.php?id=7>.) Motivated by the desire to regain the freedom of movement enjoyed during the Yugoslav era, the government -- mostly the Interior Ministry and its Minister Ivica Dacic -- and the Parliament have moved quickly to adopt the legislation and conclude the international cooperation agreements required for Serbia to be placed on the Schengen "White List" for visa-free travel within the European Union. This progress contrasts markedly with prospects for unfreezing the Interim Trade Agreement, ratifying the Stabilization and Association Agreement, and achieving EU candidate status -- all of which are blocked by The Netherlands' insistence on Serbia's full cooperation with The Hague Tribunal (i.e. the arrest of Ratko Mladic).

Most Legislation in Place

3. (SBU) The Serbian press widely reported that the March 26 passage of the anti-discrimination law (Ref A) marked the final piece of legislation required by the roadmap. Our contacts at the European Commission delegation in Belgrade tell us, however, that Serbia must still finish updating its Criminal Procedure Code (CPC) in order to fulfill the roadmap. A working group which includes Embassy representatives is now developing a new set of CPC amendments (Ref B).

4. (SBU) Slobodan Homen, Ministry of Justice State Secretary, also informed us on March 9 that Serbia must pass a law on classification

of data in order to satisfy Schengen requirements. He requested information on how the U.S. legal system balances the need for government transparency with security. (DOJ subsequently provided background information to the working group preparing the law.) Homen also identified the Law on International Legal Cooperation in Criminal Matters passed March 18 as a White List prerequisite, noting that it had been carefully crafted to permit extradition on the basis of international agreements without explicitly saying so.

Kosovo an Issue

15. (SBU) A delegation from the European Commission visited Serbia in late March to assess progress on the roadmap. Our local EC contacts tell us that, while the official report will not come out for a couple of months, the visitors were generally satisfied with Serbia's progress. Although it appears that all border control issues have been resolved, the visitors saw the need for changes to the current practice of issuing Serbian passports to residents of Kosovo due to concerns about illegal immigration and criminal activity. (Comment: This issue has surprisingly not yet sparked much public debate, despite a front page Danas article on March 31 entitled "New Risk for White Schengen." End comment.)

16. (SBU) Branko Lazarevic, Interior Minister Ivica Dacic's chief of staff, told us on March 3 that the government was looking for a solution. Of the 300,000 new Serbian biometric passports already issued since last year, 1200 had been issued to Kosovo Albanians; he did not specify how many had been issued to Kosovo Serbs. He predicted that demand would grow sharply once Serbia neared White List status. Lazarevic said that Dacic had proposed adding a prefix

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to all passports issued to residents of Kosovo, regardless of ethnicity, that would invalidate them for visa-free travel in Europe. Issuance would be centralized in Belgrade rather than handled by police stations relocated to southern Serbia from Kosovo, as is now the case. Lazarevic compared the proposal to the UK practice of differentiating between mainland and Commonwealth passports, and emphasized that Serbia could not legally refuse to issue passports to "its citizens" in Kosovo.

17. (SBU) Local EC contacts are skeptical that the European Union will see the Ministry of Interior's proposed solution as workable, however. One issue is the difficulty of determining who actually lives in Kosovo, as many Serbs who were born there have never changed their residence registration despite having lived in Serbia for most or all of their adult lives. The EC views this as a political rather than a technical issue, and will therefore wait for the Serbian government's official proposal rather than making a recommendation.

Comment

18. (SBU) Against the backdrop of the worsening economic crisis and the perception that Serbia's progress toward EU membership has stalled over ICTY conditionality, the Serbian government and public seem to be placing all their hopes for a European "breakthrough" on the question of visa liberalization. Milica Delevic, the head of the government's European Integration Office, even told us that visa-free travel and customs union were more important to Serbs than eventual EU membership. How the government addresses the question of passport issuance to Kosovo residents will be the clearest test to date of the relative importance it attaches to the two competing priorities of European integration and "defending" Kosovo. Interestingly, the man in the middle of resolving this issue is Interior Minister and Socialist Party (the party of former Serbian President Slobodan Milosevic) President Ivica Dacic. As the rest of the EU agenda either stagnates or moves glacially, Dacic may engineer the most significant step forward toward European integration. Though the "Nixon to China" comparison is overwrought, Dacic may be the man who can ask that Serbs put their own self-interests over the symbolism - and ultimately futility - of

"saving Kosovo." In the Byzantine world of Serbian politics, he may be the politician in the most credible position to argue this case.
End Comment.

MUNTER